

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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REALSONGS, UNIVERSAL MUSIC CORP., WB
MUSIC CORP., AIN'T NOTHING BUT FUNKIN'
MUSIC, MUSIC OF WINDSWEPT, BLOTTER
MUSIC, ELVIS MAMBO MUSIC, CHRYSALIS
MUSIC GROUP, INC. d/b/a CHRYSALIS MUSIC
and UNIVERSAL-POLYGRAM INTERNATIONAL
PUBLISHING, INC.,

Plaintiff,

ORDER

Civil Action No. 09-574

-against-

3A NORTH PARK AVENUE REST CORP.
and DOMINICK DESIMONE,

Defendants.

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HURLEY, District Judge:

By Order dated January 27, 2010, this Court referred this matter to U.S.

Magistrate Judge A. Kathleen Tomlinson, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation as to damages, following entry of a default judgment. On September 22, 2010, Judge Tomlinson issued a Report and Recommendation that Plaintiff be awarded a total of \$20,796.75, consisting of \$15,000.00 in statutory damages, \$4,795.00 in attorneys' fees, and \$1,001.75 in costs. Judge Tomlinson also recommended that a permanent injunction be granted preventing Defendants from performing or otherwise infringing the songs in the ASCAP catalog without prior authorization.

On October 7, 2010, Defendants were served with a copy of the Report and Recommendation. More than fourteen days have elapsed since service of the Report and Recommendation, and neither party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the September 22, 2010 Report and Recommendation of Judge Tomlinson as if set forth herein. Plaintiffs are directed to file a proposed form of judgment, including permanent injunction, within ten days of the date hereof.

SO ORDERED.

Dated: Central Islip, N.Y.
October 26, 2010

/s/

Denis R. Hurley
United States District Judge